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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/725,785	12/02/2003	Sang-Hyuck Jung	678-1132 (P10748)	3822
28249	7590	08/24/2006	EXAMINER	
DILWORTH & BARRESE, LLP 333 EARLE OVINGTON BLVD. UNIONDALE, NY 11553			STEIN, JULIE E	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

E/C

Office Action Summary

Application No.

10/725,785

Applicant(s)

JUNG, SANG-HYUCK

Examiner

Julie E. Stein, Esq.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Claim Rejections - 35 USC § 112

2. In view of the amendment to the claims, the previous rejection is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0171133 to Mizuta et al. in view of U.S. Patent No. 6,463,262 to Johnson et al.

5. Mizuta teaches all the elements of independent claim 1, including a mobile communication device (Figures 1A-2B) comprising: a main body (100) including a liquid crystal display (101) and guide holes having a closed back face, an open front face and the guide holes formed at both sides of, and facing the open front face outwardly from (Figure 3, elements 100c, a portion of the guide holes have a closed back and an open front that face towards the liquid crystal display and) the liquid crystal display (101); a slide cover (Figures 1A-2B, element 200) which includes a speaker (Figures 1A-2B,

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element 201) and is slidable over a front surface of the liquid crystal display in a longitudinal direction (paragraph 52) with respect to the main body; a pop-up module connected to the slide cover and inserted into the guide holes for sliding the slide cover over the front surface of the liquid crystal display (Figure 3, elements 200a and 200b); and a side grip provided at a side surface of the main body so as to fix a position of the pop-up module (Figures 1A and 2A, element 104 and paragraph 54).

However, Mizuta does not teach the guide holes having first and second open ends, but Johnson et al. teaches in the same field of endeavor, that of sliding mobile phones, a sliding mobile phone using guide tracks or grooves as shown in Figure 1b and described in column 3, lines 42 to 44, column 2, lines 28 to 30 (which indicates that the grooves eliminate the need for end stops), and the abstract, which teaches that the guide tracks may be in either the body or the cover, and if the grooves were in the body, then as shown in, for example, Figure 1c, they would be open at both ends.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use open ended guide tracks as taught by Johnson in the mobile phone of Mizuta to achieve Applicant's claimed invention because as Johnson teaches using grooves as guide tracks eliminates the need for end stops and thus reduces the number of parts required for the sliding mechanism. See column 2, lines 28 to 30.

Mizuta in view of Johnson also teaches all the elements of claim 2, including wherein guide grooves are formed at both sides of the liquid crystal display in the longitudinal direction to guide the slide cover. See Mizuta, Figure 3, element 100c.

Mizuta in view of Johnson also teaches all the elements of claims 3 and 4, including wherein the liquid crystal display serves as a main liquid crystal display when the slide cover is slid away from the main body during use of the mobile communication device to expose the entire liquid crystal display, and serves as a sub-liquid crystal display when the slide cover is slid towards the main body during nonuse of the mobile communication device so as to partially expose the liquid crystal display. See Mizuta, paragraphs 52 and 62-67.

Mizuta in view of Johnson also teaches all the elements of claims 5 and 6, including wherein the pop-up module includes: a head section connected to the slide cover (Mizuta, Figure 3, elements 200a); at least one bar installed at an end of the head section (including a connection plate for connecting the at least one bar to an other bar (Mizuta, Figure 3, elements 200a and 200b)) and inserted into the corresponding guide holes (Mizuta, Figure 3, elements 200b and 100c); and a compression spring installed within the bar for providing elastic force as the bar is slid towards or away from the main body (Mizuta, paragraph 54).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mizuta in view of Johnson and further in view of U.S. Patent No. 6,272,324 to Rudisill.

Mizuta in view of Johnson also teaches all the elements of claim 7, including wherein the coiled compression spring is installed within the at least one bar (Mizuta, paragraph 54), and a locking groove is formed in a lower end of the at least one bar (Id.). However, Mizuta in view of Johnson does not teach a flexible circuit is installed within an other bar. But, Rudisill teaches that the use of flexible circuits to connect

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separate components of mobile phones is well known and that although possibly problematic in flip-style phones, has been used to establish necessary electrical connections through, for example, hinges in mobile phones. See column 1, lines 15 to 47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify the slidable phone of Mizuta in view of Johnson to include a flexible circuit in one of the guide legs, for example 200g, in order to ensure electrical connection between speaker 201 and the main portion of the mobile phone 100.

Allowable Subject Matter

7. Claims 8-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. The declaration filed on June 8, 2006 under 37 CFR 1.131 has been considered but is ineffective to overcome the Mizuta reference.

9. The evidence submitted is insufficient to establish a reduction to practice of the invention in this country or a NAFTA or WTO member country prior to the effective date of the Mizuta reference.

10. Applicant submitted a declaration with three exhibits in order to prove reduction to practice prior to the Mizuta reference. The three exhibits allegedly submitted were, an invention disclosure (Exhibit A), a certified translation of said invention disclosure (Exhibit B) and a certified translation of the Korean application, which this U.S.

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application claims foreign priority to under section 119 (Exhibit C). The Examiner states allegedly because: 1) the exhibits were not labeled as indicated in the declaration; 2) only a translation, not a certified translation, of what appears to be the invention disclosure was received; 3) only one set of drawings was received and it is unclear if they go with the certified translation of the priority document or with what appears to be the invention disclosure; 4) the Examiner can simply identify which documents belong to which Exhibits at this time.

11. In view of the uncertainty of the exhibits there is insufficient evidence at this time to prove reduction to practice prior to the Mizuta reference.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie E. Stein, Esq. whose telephone number is (571) 272-7897. The examiner can normally be reached on M-F (8:30 am-5:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JES



GEORGE ENG
SUPERVISORY PATENT EXAMINER